

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHRISTOPHER JETHROE,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:18-CV-219-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Christopher Jethroe, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in STP 17-11-165 where a Disciplinary Hearing Officer (DHO) at the Heritage Trails Correctional Facility found him guilty of conspiring to use or possess a cellular device in violation of A-111/ A-121 on December 12, 2017. ECF 2 at 1. As a result, Jethroe was sanctioned with the loss of 180 days earned credit time and demoted from Credit Class 1 to Credit Class 2. *Id.*

After Jethroe filed his petition, the finding of guilt and sanctions were vacated. ECF 8-1. The Warden has filed a motion to dismiss because this case is now moot. ECF 8. Jethroe filed a response in which he acknowledged that the disciplinary sanctions had been vacated. ECF 10 at 1. Because the Indiana Department of Correction has vacated the proceeding and restored his time, Jethroe has already won his case and there is no case left for this court to decide. Therefore, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that

lengthened the duration of his confinement).

As a final matter, in his response, Jethroe asked the court to hold prison officials responsible for their “negligence and abuse of power” in disregarding prison policies and “forcing” him to spend time litigating this matter. ECF 10 at 1. However, Jethroe has not presented such a claim to this court. If he wants to raise these allegations, he would need to do so in civil rights complaint brought pursuant to 42 U.S.C. § 1983.

For these reasons, the motion (ECF 8) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on August 2, 2018

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT